

**REMARKS**

Claims 1-4 and 11-13 are rejected under 35 U.S.C. § 102(e). Reconsideration is requested in view of the amendment to the claims and the remarks to follow.

**35 U.S.C. § 102(e)**

Claim 1 and accordingly, all of the claims under consideration are amended to recite an eductor which is constructed and arranged with the body being a common body whereby the eductor can accommodate and perform both an air gap operational mode and a non-return valve operational mode. This defined feature is not taught by either Smeller, et al. (USPN 6,363,977) or Beldham, et al. (USPN 6,240,983), both of record, for the following reasons.

Reference is made to the attached Exhibits A1-A4 and the notations therein. The unit in the Smeller, et al. reference comprises two moldings, an upper and lower section. There is a “Flex Gap” version and an “Aire Gap” version, as shown in Exhibits A1 and A2, respectively. These are the assignee’s trade names for the units. Each of the four moldings, as shown in pink, green, blue and yellow, can only be paired up with one other molding and can not be mixed and matched as required. This means that if an Air Gap unit were installed, as in Exhibit A2, and it was found that a Flex Gap, as in Exhibit A1, were needed at a later date due to water conditions and maintenance issues, then the entire unit would have to be unscrewed from the valve and the concentrate chemical line would have to be disengaged (safety issue do to splashing product). To disengage the unit from the threaded valve requires more than a 360 degree rotation of the product inlet port. However, the product inlet port does not allow for more than a 180 degree rotation. Hence the product tube has to be removed, and an entirely new pair of moldings would have to be assembled to the unit.

The defined eductor as shown in Exhibits A3 and A4 does not require this. It has a common lower venturi section that works with both an Aire Gap (Exhibit A3) and Flex Gap (Exhibit A4) type upper section. In all there are three moldings rather than four. Additionally, the bayoneted fitting to the valve means that the product tube does not have to be disengaged. A new top section is inserted into the main body and then reassembled. See Exhibits A3 and A4

**U.S. Serial No. 10/510,509**  
Examiner: Craig James Price  
Art Unit No.: 3753  
Page 5 of 5

**Atty. Docket No.: C-7664-US**

with yellow common body with blue and pink elements that convert the unit to either Aire Gap or non-return valve.

Neither does the Beldham, et al. reference teach the defined common body to provide an eductor which is convertible between an air gap operational mode and a non-return valve operational mode. It is concerned only with a non-return valve operational mode.

Reconsideration of the rejection of Claims 1-4 and 11-13 is respectfully requested in view of the amendments to the claims and the foregoing remarks.

In view of the foregoing amendments and remarks, this application is believed to be in condition for allowance. If for any reason it is not in such condition, the Examiner is respectfully requested to call Applicants' attorney for a telephone interview.

The Commissioner is hereby authorized to charge any fees which may be due, or to credit any overpayments made, to Deposit Account No. 50-0231.

Respectfully submitted,

Dated: 7 February 2007

By:   
Neil E. Hamilton  
Registration No. 19,869

JohnsonDiversey, Inc.  
8310 16<sup>th</sup> Street – M/S 509  
P.O. Box 902  
Sturtevant, Wisconsin 53177  
Direct Phone: 262-631-4583